

REMARKS

In the Office Action mailed August 10,2004, the Examiner has required restriction between:

Species 1: engine is controlled based on clutch control -
Claims 1-15;

Species 2: clutch engaging is controlled based on the actuation
of the brake - Claim 16;

Species 3: transmission is controlled based on clutch control -
Claims 17-23; and

Species 4: clutch is controlled based on engine-braking -
Claims 24-29.

Applicants hereby elect, with traverse, Species 1, directed to an engine that is controlled based on clutch control (Claims 1-15) for further prosecution on the merits. Applicants submit that prosecution of claims of claim 1-15 is in order.

Applicants have amended claims 16-23 to be dependent on the claim 1, which is part of the elected species, and therefore, these claims should be examined. Consequently, examination of claims 1-23 is in order.

Applicants traverse this requirement since it is Applicants' position that claims 16 to 29 in connection with claim 1 arise from a single inventive concept, namely, that dependent on the operation of the brake and/or gas pedal a glide operation is initiated or ended. Based on this, reconsideration of the requirement is requested.

Applicants hereby reserve the right to continue prosecution of the non-elected claims in a divisional application.

It is believed that the present communication is fully responsive to the outstanding Office Action.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Dated: September 10, 2004

~~Respectfully submitted,~~

By

Edward J. Ellis

Registration No.: 40,389

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 753-6237 (Fax)

Attorneys/Agents For Applicant